

**Rights Of Muslim Women In Business Assets As Inheritance; A Case Law Analysis  
By**

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**Abstract**

The fact that a woman is biologically different from a man should not differentiate her in respect of her legal rights, including the right to property. Historically, however, women were discriminated against as far as inheritance to intestate estates was concerned and women in Malaysia were not excluded from this discrimination. However, when Islam came to the Arab Peninsula, it brought together its law of succession that recognizes women the right to inherit property. Generally, women's right to property as a human right by the United Nations in the United Nations' Resolution in 1991 within the United Nations Human Rights Commission to protect existing property rights. This suggests that the right includes the right of women to inherit the estate of a person dying intestate.

For the Malaysian Muslim women, the right is recognized by customary law and Islamic law as contained in the Quran and statute. However, the recognition does not confer on them an equal share with men in the intestate's estates because of the general principle of the religious law, which gives preference to men, allowing the latter to receive a larger share than women. In other words, there is preference of men over women in the size of shares though in certain specific areas, the preference is reversed in accordance with customs.

This paper will discuss the legal and social recognition of Muslim women's rights in Malaysia to inherit interest in business of intestate estates. Research methodology adopted in this paper is doctrinal and case law analysis.

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